

## **Exhibit**

### **FREQUENTLY ASKED QUESTIONS (FAQ's) ON NEW YORK PAID FAMILY LEAVE (NYPFL)**

#### **1. What is the New York Paid Family Leave (NYPFL)?**

A. New York Paid Family Leave is job-protected paid leave mandated by New York State, **effective 1/1/2018**, which allows employees to receive a portion of or all of their wages while taking time off from work for:

- Baby bonding;
- Caring for a covered family member who is suffering from a serious medical condition; or,
- Military Leave.

**Please note, an employee cannot use this leave for his/her own health condition.**

**Please see APPENDIX A (below), entitled “Employee Eligibility for PFL and Qualifying Events” for more information on the qualification requirements for this benefit.**

#### **2. Who pays for NYPFL?**

A. This benefit is fully paid by employee contributions through payroll deductions, and insured and administered by the ADNY's current Short-Term Disability provider, The Hartford. There is no cost for employers for this NYPFL benefit.

#### **3. Who administers the NYPFL Benefit for the Archdiocese of New York (ADNY) and its Participating Institutions/Employers?**

A. The NYPFL Benefit is administered by the ADNY's current Short-Term Disability provider, The Hartford.

#### **4. Which employees are eligible for NYPFL?**

A. Most full and part-time employees are covered after 6 months of employment. However, **per the provisions of the NYPFL Statute, teachers, members of the clergy and religious are not covered by this law.**

#### **5. What is the weekly contribution rate for NYPFL?**

A. The weekly contribution rate is .270% of an employee's weekly wage up to a maximum weekly contribution of \$3.78 (\$196.72 annually).

#### **6. What benefits are payable under NYPFL and how long are these benefits payable?**

A. For 2020, NYPFL benefits are payable for up to a total of 10 weeks in a 52 week period. NYPFL can be used in combination with short term disability and the Archdiocese's Maternity Disability Leave Policy, as applicable. NYPFL is allowed in full-day increments. NYPFL runs concurrently with FMLA. **Please see APPENDIX B (below), entitled “Employee Benefits under NYPFL.”**

**7. Who is a “covered family member?”**

A. Children, parent, spouse, grandparent, grandchild and in-laws are covered family members under the law.

**8. Can employers mandate the employees take vacation, personal or sick instead of NYPFL benefits?**

A. No, unlike FMLA, an employer cannot compel an employee to use other time off options in lieu of NYPFL benefits.

**9. What happens to my health insurance while I am on NYPFL?**

A. If you are on NYPFL, and are participating in the ADNY Medical Plan, your health insurance benefits continue under NYPFL as long as you continue making premium payments. An employee may choose to waive group health coverage while on NYPFL, but is entitled to be reinstated to the plan upon return to work.

**10. When an employee returns to work from NYPFL must he/she be returned to the same job or an equivalent job?**

A. Yes.

**11. If I have a qualifying event and wish to apply for PFL, how do I do so?**

A. If you wish to apply for PFL benefits, you, or your institution on your behalf can contact the ADNY Human Resources Department or The Hartford directly. All decisions on benefits eligibility will be made by The Hartford. **Please see APPENDIX C (below), entitled “Claims Procedure for Filing for PFL Benefits.”**

**12. What is the weekly benefit payable to a qualifying staff member while on NYPFL?**

A. The benefit payable is based on a percentage of your weekly salary. In 2020, the weekly benefit payable is 60% of your weekly salary up to a weekly maximum of \$840.70.

**13. I am a covered employee under NYPFL. What if I wish to opt out of being covered for the NYPFL Benefit?**

A. You may not since participation in NYPFL for all covered employees is mandatory.

**14. What is I have additional questions on NYPFL?**

A. Please call the ADNY Human Resources Department at 646-794-3059 or The Hartford at 877-838-2924.

## APPENDIX A

### Employee Eligibility for PFL and Qualifying Events

Employees must be employed by a covered employer at the time they apply for Paid Family Leave. Employee eligibility requirements are as follows:

- **Employees with a regular work schedule of 20 or more hours per week are eligible after 26 weeks of employment.**
- **Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days worked.**
- **Persons engaged in a teaching capacity in a religious, charitable or educational institution, members of the clergy, and religious are excluded from the definition of employee under the NYPFL Law.**

#### Qualifying Events

##### *1. Bonding with a Child*

A parent may apply for Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child. This includes children born, fostered or adopted in 2019 as long as the leave is taken within the first twelve months of the birth, adoption, or fostering.

Spouses with different employers are both eligible to take Paid Family Leave at the same time. If both spouses work for the same employer, the employer can deny Paid Family Leave to one of the spouses if they have asked for the same period of time-off to bond with the same child.

##### *2. Family Care*

If an employee's covered family member has a serious health condition, the employee is eligible to apply to care for them under the Paid Family Leave program. Covered family members include:

- Spouses
- Children
- Parents
- Parents-in-law
- Grandparents
- Grandchildren

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential health care facility; or

- Continuing treatment or supervision by a health care provider.

Ordinarily, conditions such as the common cold, the flu, ear aches, upset stomach, minor ulcers, routine dental or orthodontia problems, periodontal disease, etc. do not meet the definition of a serious health condition.

### ***3. Active Military Duty Deployment***

Paid Family Leave is available when a spouse, child, or parent of the employee is on active military duty abroad or has been notified of an impending call or order of active military duty abroad.

Employees can apply for leave to help out with obligations arising out of a call to duty—for example:

- Making alternative child care arrangements for a child of the deployed military member;
- Attending certain military ceremonies and briefings; and
- Making financial or legal arrangements to address the military member's absence.

Paid Family Leave, which provides wage replacement and job security, can be taken by employees who are also eligible for time off under the military provisions in the federal Family Medical Leave Act (FMLA).

## APPENDIX B

### Employee Benefits under NYPFL

In 2020, employees are eligible to receive 60% of their average weekly wage (AWW) up to 60% of the New York State Average Weekly Wage (SAWW) for up to 10 weeks. **In 2020, the maximum weekly benefit payable is \$840.70.** When Paid Family Leave is fully phased-in during 2021, the maximum benefits will increase to 67% of an employee's AWW up to 67% of the SAWW for up to 12 weeks.

#### Paid Family Leave (PFL) Benefit Schedule

Year	Weeks Available for PFL	Benefit Maximum % of Employee AWW	Capped at % of New York State AWW
2018	8	50%	50%
2019	10	55%	55%
2020	10	60%	60%
2021 and after	12	67%	67%

For example, in 2020:

- An employee who earns on average \$1,000 a week would receive a benefit of \$600 a week (60% of \$1,000).
- An employee who earns on average \$2,000 a week would receive a benefit of \$840.70, because this employee is capped at sixty percent of the New York State Average Weekly Wage (SAWW). The SAWW is \$1,401.17 in 2020. Sixty percent of the SAWW would mean the employee gets \$840.70 per week on Paid Family Leave.

Within 18 days of filing a complete claim for benefits, the archdiocesan Paid Family Leave insurance carrier (The Hartford) must pay or deny the claim. If denying the claim, the insurer must provide an explanation in writing.

If the employee qualifies for a Paid Leave Benefit, this benefit will be paid directly by The Hartford.

## APPENDIX C

### Claims Procedure for Filing for PFL Benefits

When an employee has a foreseeable situation, he/she should provide their employer 30 days' advance notice of their intention to use Paid Family Leave. If the event was not foreseeable, the employee must notify their employer as soon as possible.

An employee should submit a completed claim package to The Hartford within 30 days of their first day of paid leave. The insurance carrier must process the claim and issue a determination within 18 days.

A claim form will be available from your employer, and from the Hartford in 2020.

Employers are also responsible for providing insurers with the dates that employees use Paid Family Leave.

### Employee Documentation When Filing a Claim for NYS Paid Family Leave (PFL)

When filing a Paid Family Leave claim, an employee must submit supporting documentation to the Hartford, as detailed below:

#### *Childbirth*

The documentation requirement for a claim for Paid Family Leave to bond with a newly born child depends on whether the applicant is the birth mother or the father.

The birth mother must submit a birth certificate, if available, or documentation of pregnancy or birth from a health care provider. The document must include the mother's name and the child's due date or birth date. The father must submit, if available, a birth certificate naming him as a parent. If a birth certificate naming the father is not available, the father may submit a Voluntary Acknowledgment of Paternity naming them as a parent.

If those documents are not available, the father can submit birth documentation from the birth mother's health care provider **and** a marriage certificate to demonstrate the relationship to the birth mother.

#### *Foster Care*

A claim for Paid Family Leave to bond with a foster child requires the submission of a letter of placement issued by a county or city department of social services or local voluntary agency. If a second parent is not named in documentation, a copy of the document plus a document verifying the relation to the parent named in the foster care placement will be needed.

#### *Adoption*

A claim for Paid Family Leave to bond with an adopted child requires a court document finalizing adoption, or, for Paid Family Leave taken before the adoption is complete, a document showing that the adoption process is underway. Examples of proof of a pending adoption include a signed statement from an attorney, adoption agency or adoption-related social service provider that the employee is in the process of adopting a child.

If the second parent is not named in that document, they must also file documentation verifying the relationship to the parent named in the adoption.

### ***Serious Health Condition***

A claim for Paid Family Leave to care for a family member with a serious health condition requires a medical certification, completed by the care recipient's health care provider.

An authorization for personal health disclosure form is required by the HIPAA Privacy Rule and must be completed by the care recipient and retained on file with the health care provider in order to submit the required medical information.

### ***Active Military Duty Deployment***

A claim for Paid Family Leave to assist loved ones when a family member is deployed abroad on active military duty generally requires either a PFL-5 "Military Qualifying Event" certification or a US Department of Labor "Certificate of Qualifying Exigency for Military Family Leave." Those forms include (1) military documentation of the family member's deployment or impending deployment (active duty orders or other notice from the military), and (2) documentation of the reason for leave.